

**Notice of Allowability**

Application No.

09/609,228

Examiner

Narayanswamy Subramanian

Applicant(s)

FORLAI, LUIGI

Art Unit

3692

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 11/13/2006.
2. ☒ The allowed claim(s) is/are 2,6,17,20-33,47 and 48.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some\* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08), Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date \_\_\_\_\_
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_.

### **DETAILED ACTION**

1. This communication is in response to Applicant's communication filed on November 13, 2006. Amendments to claims 2, 6 and 33 have been entered. Claims 2, 6, 17, 20-33 and 47-48 are pending in this application.

#### ***Allowable Subject Matter***

2. The following is a statement of reasons for the indication of allowable subject matter:

3. The prior art of record (Odom et al, US Patent 6,058,379) teaches a method for using an electronic network system to facilitate a transaction between a seller and a buyer, said method comprising the step of withdrawing the display of a sale offer in response to an absence of an indication of acceptance of the randomly generated sale offer by the buyer within a predetermined period of time after the step of displaying the randomly generated sale offer.

Even though, the prior art of record teaches a method for performing the above mentioned steps, the prior art of record fails to teach a method for using an electronic network system to facilitate a transaction between a seller and a buyer, including the steps of inputting a sale offer parameter for randomly generating at least one sale offer to purchase a product or service at an offer price substantially equal to a delivery price associated with the transaction, the delivery price being less than a current value of the offered product or service in a competitive marketplace and randomly displaying, through the electronic network system, the at least one sale offer to a selected buyer at an unexpected period of time. For these reasons claim 2 is deemed to be allowable over the

Art Unit: 3692

prior art of record, and claims 17, 20-28 and 32 are allowed by way of dependency on the allowed claim.

The prior art of record (Odom et al, US Patent 6,058,379) teaches a method of making a sale offer from a seller to at least one buyer visiting a Internet web site, comprising the step of withdrawing a displayed sale offer from the Internet website when the at least one buyer does not indicate acceptance of the sale offer within a predetermined period of time.

Even though, the prior art of record teaches a method for performing the above mentioned steps, the prior art of record fails to teach a method of making a sale offer from a seller to at least one buyer visiting a Internet web site, including the step of displaying, on the web site, a sale offer to purchase a product or service at an offer price substantially equal to zero to the at least one selected buyer at a random point in time unknown to the buyer. For these reasons claim 6 is deemed to be allowable over the prior art of record, and claims 29-31 and 47-48 are allowed by way of dependency on the allowed claim.

The prior art of record (Odom et al, US Patent 6,058,379) teaches a method for using an electronic network system to facilitate a transaction between a seller and a buyer said method comprising the steps of: inputting a sale offer parameter for randomly generating at least one sale offer to purchase a product or service; withdrawing the display of the randomly generated sale offer in response to an absence of an indication of acceptance of the randomly generated sale offer by the buyer within a predetermined period of time after the step of displaying the randomly generated sale offer; receiving, through the electronic network system, a first indication of acceptance from the buyer in

Art Unit: 3692

response to the random display of the at least one sale offer; receiving a second indication of acceptance from the buyer in response to the display of the at least one term associated with the at least one randomly generated sale offer; displaying an acceptance form to the buyer in response to the second indication of acceptance from the buyer; receiving a third indication of acceptance from the buyer in response to the display of the acceptance form for forming a purchase agreement concerning the offered product or service; displaying at least one payment method option in response to the third indication of acceptance; receiving at least one payment method selection from the buyer in response to the display of the at least one payment method option; transferring a sum corresponding to the selected payment method from the buyer to the seller; requesting delivery of the offered product or service to the buyer.

Even though, the prior art of record teaches a method for performing the above mentioned steps, the prior art of record fails to teach a method for using an electronic network system to facilitate a transaction between a seller and a buyer including the steps of: randomly displaying, through the electronic network system, the at least one sale offer to a selected buyer at an unexpected period of time; displaying at least one term associated with the at least one randomly generated sale offer in response to the first indication of acceptance, wherein the at least one term associated with the randomly generated sale offer comprises an offer price substantially equal to a delivery price associated with sending the offered product or service to the buyer, the delivered price being substantially less than a current market value of the offered product or service in a competitive market. For these reasons claim 33 is deemed to be allowable over the prior art of record.

Any comments considered necessary by Applicant must be submitted no later than the payment of the issue fee, and to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled Comments on Statement of Reasons for allowance.

***Conclusion***

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

(a) Fano (US Patent 6,317,718 B1) (November 13, 2001) System, Method and article of manufacture for Location-Based Filtering for Shopping Agent in the Physical World.

(b) Jones et al. (US Patent 5,978,013) (November 2, 1999) Apparatus and Method for Generating Product Coupons in Response to Televised Offers.

(c) Johnsen (US Patent 5,250,789) (October 5, 1993) Shopping Cart.

(d) Donoho et al. (US Patent 6,356,936 B1) (March 12, 2002) Relevance Clause for Computed Relevance Messaging.

(e) Smith (US Patent 6,502,076 B1) (December 31, 2002) System and Methods for displaying Product Promotions.

(f) Bigus et al. (US Patent 6,401,080 B1) (June 4, 2002) Intelligent Agent with Negotiation Capability and Method of Negotiation Therewith.

(g) Cragun et al. (US Patent 5,504,675) (April 2, 1996) Method and apparatus for automatic Selection and Presentation of Sales Promotion Programs.

(h) Hagiwara et al. (JP 56027474 A) (March 17, 1981) Information Guidance Screen Registration System.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dr. Narayanswamy Subramanian whose telephone number is (571) 272-6751. The examiner can normally be reached Monday-Thursday from 8:30 AM to 7:00 PM. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Chilcot can be reached at (571) 272-6777. The fax number for Formal or Official faxes and Draft to the Patent Office is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PMR or Public PAIR. Status information for unpublished applications is available through Private PMR only. For more information about the PMR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Dr. N. Subramanian  
Primary Examiner  
Art Unit 3692

January 8, 2007